

If Imports Cost You Your Job...

Apply for

Trade Adjustment Assistance

**2011 Amendments to the
Trade Act of 1974,
As Amended**

State of Michigan
Unemployment Insurance Agency
Department of Licensing and Regulatory Affairs

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Trade Adjustment Assistance

Trade Adjustment Assistance (TAA) is available to workers who lose their jobs or whose hours of work and wages are reduced as a result of increased imports or a shift in production.

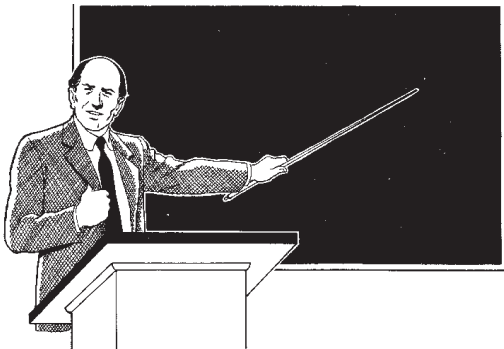
Under the Trade Act of 1974, as amended, workers whose employment is adversely affected by foreign competition or a shift in production may apply for TAA. TAA includes a variety of benefits and reemployment services to help unemployed workers prepare for and obtain suitable employment. Workers may be eligible for training, a job search allowance, a relocation allowance, and other reemployment services. Additionally, weekly trade readjustment allowances (TRA) may be payable to eligible workers following their exhaustion of unemployment benefits.



The TAA program is administered by the Employment and Training Administration of the U.S. Department of Labor (DOL). The Michigan Strategic Fund (MSF), Workforce Development Agency (WDA) serves as the agent for the U.S. Department of Labor in administering the TAA program in Michigan.

Establishing Eligibility for Trade Adjustment Assistance

You must first file a petition with the Office of Trade Adjustment Assistance to establish group eligibility to apply for TAA. Petitions may be filed by a group of three or more workers, their union, the company, Michigan Works! Agency (MWA) staff, designated staff within WDA or an authorized representative. You can obtain proper forms from an MWA Service Center or you may phone



1-202-693-3560 or write to the U.S. Department of Labor, Employment and Training Administration, Office of Trade Adjustment Assistance, Room N-5428, 200 Constitution Ave., NW, Washington, D.C. 20210 or visit the website at

www.doleta.gov/tradeact. Petitions must be filed with the U.S. Department of Labor **and** the state in which the plant is located.

When a petition is received, a fact-finding investigation is conducted to determine whether increased imports of goods or services contributed significantly to decreased sales or production and to worker separations in a particular company or subdivision; or whether there has been a shift or acquisition of goods or

services to or from another country. If increased imports contributed importantly to job reductions in your company, subdivision, or there has been a shift or acquisition, the U.S. Department of Labor certifies the affected group of workers as eligible to apply for TAA. Investigations may take 40 days. The certification will contain an "Impact Date," which is a date of up to one year prior to the filing date of the petition. The life of the certification extends from the Impact Date to two years from the date of issuance, unless terminated earlier. This is the certification period. Workers who are separated within the certification period and who are covered by the certification are eligible to apply for TAA. Public agency workers may also be eligible.

Applying for TAA Benefits When Your Group Has Been Certified

Michigan has designated the MWAs to provide training and reemployment services to trade-impacted workers. You must visit an MWA Service Center to apply for training and other reemployment services.

To be eligible for TAA benefits and reemployment services, you must have been laid off or put on a reduced work schedule (hours of work reduced to 80 percent or less of your average weekly hours and wages reduced to 80 percent or less of your average weekly wage) on or after the “Impact Date” and before the ending date of the certification.

Trade Readjustment Allowances (TRA) are one benefit of the TAA program. To begin the process of applying for TAA benefits, including TRA, you should attend a TAA orientation at an MWA. The designated MWA sends letters inviting potentially eligible workers to the orientations. If you miss your orientation, contact the MWA to ask how you can apply for these benefits. After paperwork is completed, forms will be sent to the TRA Unit. A determination will be made by the Unemployment Insurance Agency (UIA), TRA Unit. Even if it is determined that you are not eligible for TRA, if you are covered by a certification and have a qualifying separation, then you remain eligible to apply for other TAA program benefits.



Improving Your Job Prospects Through Training

If there are no suitable jobs in your area and training would improve your chances of getting a job, you should discuss your needs and aims with MWA staff. You will be advised as to the employment outlook for workers with different job skills, the kinds of work best suited to your aptitudes and interests, and the training opportunities that may be available at no cost to you. Training opportunities include employer-based training, vocational or technical training, and remedial education.

If the training facility you attend is beyond the normal commuting distance from your home, you may be paid for some of your transportation costs and living expenses.

Obtaining a Job Search Allowance

A job search allowance may be payable to cover expenses incurred in seeking employment outside your normal commuting area. You may be paid 100 percent of necessary transportation and living expenses (up to \$1,250) while searching for such employment.

There are time limits for filing applications for job search allowances. You must file for job search allowances within 365 days after the date of the certification or 365 days after the date of your last total separation, whichever is later. Therefore, it is important that you visit the MWA Service Center and file an application before beginning your search for work outside your normal commuting area. Only travel within the United States is authorized.

Obtaining a Relocation Allowance

If you are successful in obtaining suitable employment outside your normal commuting area, the TAA program may offer financial assistance for you to relocate to your new area of employment.

A relocation allowance pays 90 percent of the reasonable and necessary expenses of moving you, your family, and your household goods (not to exceed the weight limit authorized in federal travel regulations) to the new location. Additionally, you might receive a lump sum payment equal to three times your former average weekly wage (up to \$1,250) to help you get settled.

To apply for a relocation allowance, go to an MWA Service Center. Your application must be filed and approved before moving. Your application may be approved if it is determined that no suitable work is available in your home area and that you:

- Have obtained suitable work of long-term duration or a bona fide offer of such work in the area within the United States to which you will move.
- Have not previously received a relocation allowance under the same certification.
- Are totally separated from certified employment at the time of relocation. (Partially separated workers may apply in anticipation of total layoff.)

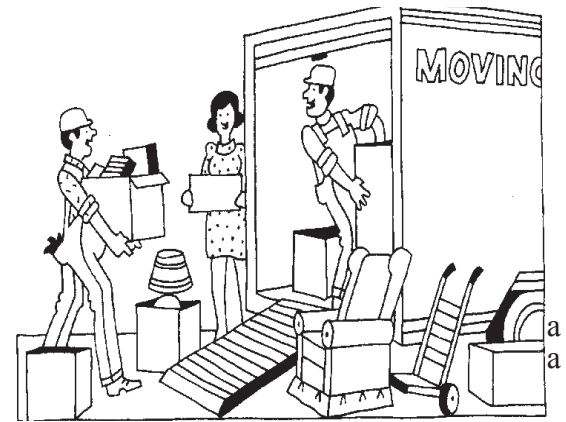
There are time limits for filing an application for a relocation allowance. You must file for a relocation allowance within 425 days after the date of the certification or 425 days after your last total separation, whichever is later.

Also, you must begin your relocation within 182 days after you apply for a relocation allowance.

Qualifying for Trade Readjustment Allowances (TRA)

To qualify for TRA benefits you must:

- Be covered by a certification.
- Be totally separated from employment, due to lack of work in adversely affected employment, on or after the impact date and before the ending date of the certification.
- Have worked at least 26 weeks at wages of \$30 or more week in adversely affected employment with single firm or subdivision in the 52-week period ending with the week of separation. (Up to seven weeks of non-work for specified reasons and up to 26 weeks of worker's compensation or 26 weeks of being a reservist serving in active duty may be counted toward the 26 weeks.)
- Have been entitled to and have exhausted all rights to unemployment benefits, including state and federal extensions.
- Meet the same weekly work test applicable to unemployed workers for extended unemployment benefits, including actively seeking, applying for, and accepting work within your capabilities.
- Be enrolled in, participating in, or have completed, an approved training program, unless the training requirement is waived by the MWA. You must be enrolled in training by the end of the 26th week following your last qualifying separation in the certification period; or the 26th week following your petition's certification date. The requirement may be waived for certain specific reasons.



The first week for which you may be eligible for TRA is the week following the week the petition is certified by the U.S. Department of Labor.

If you do not qualify for TRA benefits, you may still be eligible for reemployment services, training, a job search allowance, and a relocation allowance, if you are covered by a certification and have a qualifying separation from adversely affected employment.

The Amount of Your TRA

If you qualify for TRA benefits, the weekly amount of your TRA will be generally the same as the amount of regular unemployment benefits you were receiving during the benefit year established after your **first** qualifying separation on or after the "Impact Date" (or the benefit year during which that separation occurred). This amount will, in most cases, be different from the weekly benefit rate you received during any other benefit year.

Your TRA benefits may be reduced by any earnings or other income you receive in the same way that such earnings and income would have reduced your weekly unemployment benefits. However, if you are in approved TAA training, earnings that are equal or less than your weekly benefit amount will not reduce your TRA.

Your TRA may also be reduced by the amount of other federal training allowances you are entitled to for the same week. This does not apply to student financial assistance received under the Higher Education Act (HEA), for example, Pell Grants.

Your TRA Eligibility Period

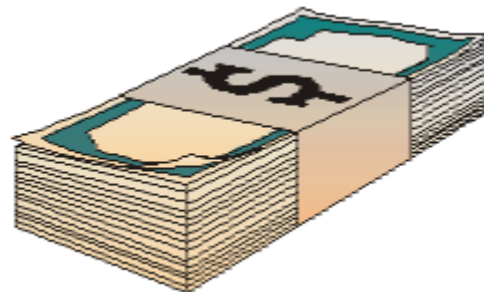
Basic TRA – If you qualify for TRA assistance, your eligibility period for basic TRA benefits is the 104-week period beginning with the first week after your most recent total separation within the certification period. However, you must exhaust all your rights to unemployment benefits (including state and federal extensions) before you may receive TRA benefits. The maximum amount of TRA benefits you may receive during this period is limited to 52 times your TRA weekly amount minus all unemployment benefits which you were entitled to receive during the benefit year involved with your **first** qualifying separation. For example, if you received 20 weeks of regular unemployment benefits and 13 weeks of extended unemployment benefits, you may receive up to an amount equal to 19 weeks of basic TRA benefits.

If you return to work covered by the same certification and are again, totally separated within the certification period, and again meet the wage-qualifying requirements, the 104-week eligibility period will be recalculated beginning with the first week after the subsequent separation.

Additional TRA – You may also receive up to 65 additional weeks of TRA if you are enrolled in training within 30 days of the end of your basic TRA eligibility. Such additional weeks must be necessary for you to complete the approved training program. You have a 78-week eligibility period in which to draw your additional TRA benefits.

Completion TRA — You may be eligible for completion TRA if you are still in training after your eligibility for additional TRA ends. Your training must lead to completion of a degree or industry-recognized credential and you must have met the training benchmarks set by the MWA. You must also complete training by the end of the completion TRA eligibility period. You may receive a maximum of 13 weeks within a 20-week eligibility period.

IMPORTANT: You should be enrolled in TAA-approved training **before** you exhaust your basic TRA (or before your basic TRA eligibility period ends, if sooner) in order to be eligible for additional TRA.



Health Coverage Tax Credit (HCTC)

If you are determined to be eligible for TRA or Reemployment Trade Adjustment Assistance (RTAA), you may be eligible to receive a tax credit of 72.5 percent of the allowable health care premium for qualified health insurance.

This may be claimed when filing your income taxes or in advance by registering with the IRS HCTC office.

See the separate HCTC Fact Sheet, which is available from a link on our public website:

<http://www.michigan.gov/uia/>.

RTAA For Older Workers

Re-employment Trade Adjustment Assistance (RTAA) program benefits are provided as an alternative to the benefits offered under the regular TAA program. Participation in RTAA allows workers age 50 or older, for whom retraining may not be appropriate, to accept reemployment at a lower wage and receive a wage subsidy in lieu of the training and income support offered under the regular TAA program.

In order to be eligible to receive RTAA benefits, an individual must:

- Be at least age 50 at the time of reemployment;
- Not earn more than \$50,000 annually in the reemployment;
- Be reemployed full time or working 20 hours a week and in full-time TAA training; and
- Not return to adversely affected employment from which he or she was separated.

Workers who meet these eligibility criteria qualify for the following benefits:

- Wage Subsidy: 50 percent of the difference between the worker's wages in the RTAA-certified employment and new job. A maximum of \$10,000 is available over a period of up to two years.
- HCTC: A tax credit covering 72.5 percent of an eligible participant's monthly health insurance premium..

Your Appeal Rights

How to Challenge a Petition Denial

Administrative Reconsideration-Determinations on TAA petitions are published in the Federal Register, the official daily publication for Rules, Proposed Rules, and Notices of Federal organizations (Federal Register). Workers who are denied certification may request administrative reconsideration by the DOL. Requests for reconsideration must:

1. Be in writing;
2. Include the TAA investigation number;
3. Be signed; and
4. Describe the group of workers included in the petition.

Requests must also cite the reasons why the workers consider the denial erroneous according to the facts, the interpretation of the facts, or the law itself. Reconsideration requests must be mailed to the **Office of Trade Adjustment Assistance (OTAA) within 30 days of Federal Register publication.**

United States Department of Labor
Employment and Training Administration
Office of Trade Adjustment Assistance
Room N-5428
200 Constitution Avenue, N.W.
Washington, DC 20210
Phone: 1-888-DOL-OTAA (1-888-365-6822) or 1-202-693-3560
Fax: 1-202-693-3584 or 3585
Website: <http://www.doleta.gov/tradeact>



Judicial Review – Workers who are denied certification may seek judicial review of the DOL's initial petition denial or denial following administrative reconsideration. Appeals for judicial review must be filed with the Office of Clerk, U.S. Court of International Trade, One Federal Plaza, New York, NY 10007, 1-212-264-2031. Appeals must be mailed within 60 days of Federal Register publication of the initial denial or administrative reconsideration denial.

Individual Applications for Allowances and Training

If you are not satisfied with the determination of your individual application, you have the same protest and appeal rights as are provided under the Michigan unemployment compensation law. The determination notice which you receive after filing your application will explain your protest and appeal rights and time limits for filing a protest or an appeal.

Other Training Opportunities and Reemployment Services

If you do not qualify for TAA, there may be other training opportunities and reemployment services available in your community under the Workforce Investment Act (WIA). Information on WIA services in your community can be obtained from any MWA Service Center.



For Further Information on the TAA Program

The Office of Trade Adjustment Assistance is in the Employment and Training Administration, U.S. Department of Labor, 200 Constitution Ave., NW, Room N-5428, Washington, DC, 20210, telephone 1-888-DOL-OTAA (1-888-365-6822) or 1-202-693-3560; and there is a TAA representative in the Department of Labor Regional Employment and Training Administration office, located in Chicago, IL., telephone 1-312-596-5400.

However, the best source of further information on how the TAA program works is the local MWA Service Center. Call 1-800-285-9675 or 1-877-872-5627 (TTY:1-877-889-5627) for the office nearest you.

To contact the TRA Unit, you may call 1-866-241-0152 (TTY customers use 1-866-366-0004).

**UNEMPLOYMENT
INSURANCE
AGENCY**

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State of Michigan

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Department of Licensing and
Regulatory Affairs

STEPHANIE COMAI, Deputy Director
Department of Licensing and
Regulatory Affairs

SHAUN THOMAS, Director
Unemployment Insurance Agency

Trade Readjustment Allowances (TRA)

Help for those affected by foreign competition and eligible to apply for TAA under the 2011 amendments

Workers who lose their jobs or whose hours of work and wages are reduced because of foreign competition may apply for federal assistance through the federal Trade Adjustment Assistance (TAA) program. Among the benefits they may receive are weekly Trade Readjustment Allowances (TRA), which are payable once they exhaust state unemployment benefits and any extended benefits. Basic TRA benefits can be paid if an individual is enrolled in training, or qualifies for and receives a waiver from training through a Michigan Works! Agency (MWA) Service Center. Additional TRA can only be paid if the individual is participating in an approved training program. There are other TAA benefits for which an individual may qualify if certain requirements are met.

When a company or a group of workers believes foreign competition has adversely affected their jobs, the company, a group of workers, the union, *Michigan Works!* Agency (MWA) staff or the state dislocated worker unit can petition the federal government for TAA benefits. The U.S. Department of Labor (USDOL) will decide whether foreign competition was the major reason for the job cutbacks. If so, USDOL will issue a "certification" and indicate the period during which total or partial job separations will be covered by the certification. *This fact sheet pertains to individuals eligible to apply for TAA benefits under the 2011 amendments to the Trade Act of 1974, as amended.*

Applying for Trade Readjustment Allowances

Workers should contact an MWA Service Center to file their TRA applications immediately after being advised that they are covered under a certification. Delays in applying could result in the worker becoming ineligible for TRA.

Qualifying for Trade Readjustment Allowances

To qualify for TRA:

- Workers must be laid off due to lack of work.
- Layoffs must occur on or after the "impact date" of the certification and before its expiration or termination date. This is called the "certification" or "window" period. Or, if the certification is based on findings of the International Trade Commission (ITC), layoffs can occur up to a year before the date the ITC's notice is published in the *Federal Register*.
- Workers must also have had enough qualifying employment with the affected employer. They must have been employed at least 26 weeks, with weekly wages of at least \$30, during the 52 weeks ending with the week of separation. Up to seven weeks of employer-authorized leave may be counted as part of the 26 qualifying weeks. Also, up to 26 weeks of disability benefits paid under a state or federal law can be used to qualify for TRA, as well as 26 weeks of active duty time served by a military reservist.
- A worker must either be participating in or enrolled in training, or must have received a waiver of this training requirement. "Enrolled" means the worker will begin training approved under the Trade Act within 30 days. Workers must enroll by the end of the 26th week following: (1) the week that USDOL issues a certification; or (2) the week of the worker's last qualifying separation. This requirement may be waived for certain specific reasons (*see Waiver of training*).

Waiver of training

During the first series of TRA payments (known as "Basic TRA"), workers must be in a training program unless that requirement is waived (set aside) for specific reasons. However, to receive any additional weeks of TRA, the requirement cannot be waived and workers must be in training. MWA offices process training approvals and waivers.

CADILLAC PLACE ■ 3024 WEST GRAND BOULEVARD ■ DETROIT, MICHIGAN 48202
www.michigan.gov/uia ■ TTY SERVICE: 1-866-366-0004

Weekly Amount of TRA Payable

Workers are paid TRA at the same weekly benefit amount they received in regular state benefits after their first qualifying separation.

Basic TRA Weeks and Eligibility Period

The eligibility period for Basic TRA is 104 weeks. If workers have a later qualifying layoff due to foreign competition (that is, a layoff that meets the requirements described above under "Qualifying for TRA"), the 104-week period will be extended to run from that *later* layoff.

Workers start with a potential of 52 weeks of Basic TRA. However, all weeks of entitlement to regular unemployment benefits from the unemployment claim already in effect, or established after their first qualifying separation will be deducted from their total weeks of Basic TRA payable. Any state or federal extensions paid based on that unemployment claim will also be deducted. For example, a person who receives 20 weeks of regular unemployment benefits would be entitled to 32 weeks of Basic TRA. And, if that person received 16 weeks of an extension based on that same unemployment claim, the Basic TRA entitlement is reduced to 16 weeks.

Additional TRA Weeks and Eligibility Period

The eligibility period for Additional TRA begins after either: **(1)** workers exhaust their Basic TRA entitlement; or **(2)** the eligibility period for Basic TRA ends; whichever occurs first. For Additional TRA, workers *must* be participating in training approved under the Trade Act. The Additional TRA eligibility period lasts for 78 weeks or until the end of approved training, whichever occurs first. A worker could receive up to 65 weeks of Additional TRA during the 78-week eligibility period.

Completion TRA Weeks and Eligibility Period

The eligibility period for Completion TRA is 20 weeks and begins with the first week claimed after additional TRA ends. There is a maximum of 13 weeks payable. To be eligible, the worker's training must lead to completion of a degree or industry-recognized credential and the worker must have met the training benchmarks set by the MWA. The worker must also complete training by the end of the Completion TRA eligibility period.

Weekly eligibility

All the filing requirements and eligibility requirements that apply to collecting regular state unemployment benefits also apply to TRA. In addition, workers who are not participating in approved training must list two places where they sought employment for each week they claim Basic TRA on their certification-by-mail forms. The availability, ability, and seeking work requirements are waived for workers participating in TAA-approved training.

Other Benefits

The Trade Act of 1974, as amended in 2009, authorized the following:

- A **Health Coverage Tax Credit (HCTC)** program; which is a federal income tax credit for health insurance premiums paid by eligible TAA recipients; and
- A **Reemployment Trade Adjustment Assistance (RTAA)** program for older workers; which provides a wage differential of up to \$10,000 for up to two years. The program is for those 50 years or older who obtain different full-time employment after separation from adversely-affected employment at wages less than those earned in the adversely-affected employment and projected to be less than \$50,000 a year. If workers are in full-time training, the new employment can be part-time but must be at least 20 hours per week.

If you have any questions about TRA benefits, call the TRA/Special Programs Unit at 1-866-241-0152.

LARA is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.



Michigan Department of Licensing and Regulatory Affairs
Unemployment Insurance Agency
Authority: UIA Director; Quantity: 1,000
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Steve Arwood
Director



Shaun Thomas
Director

State of Michigan
Department of Licensing and Regulatory Affairs
Unemployment Insurance Agency
14333 Woodrow Wilson
Detroit, MI 48238

UIA Website: www.michigan.gov/uia

The UIA is ADA and EEO compliant.

Authority: MCL 421.1, et seq.

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